(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

CRIMINAL MISCELLANEOUS APPLICATION NO. 136 OF 2004

Office Note, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Mr. Zeller De Souza, Advocate for the Applicant.

Mrs. Winnie Coutinho, Additional Public Prosecutor for the State/Respondent.

CORAM : N. A. BRITTO, J.

DATE : 10TH JUNE, 2004.

P.C.:

The Applicant herein is accused in Crime No. 23 of 2000 against whom a sessions trial is in progress before the Court of the learned Additional Sessions Judge, Margao, under Sections 323, 302 and 120-B r/w 34 of I.P.C., and who was ordered to be released by this Court by Order dated 7th December, 2001, in Criminal Miscellaneous(Bail) Application No.145 of 2001 inter alia with the conditions that the Accused shall not leave the jurisdiction of this Court without

prior permission.

By application under consideration, the said Accused has approached this Court stating that he is in the travel business and that he has now received a letter, (copy of the letter dated 26th April, 2004, has been annexed), calling upon him to visit Switzerland between 20th and 30th June of this year to finalise the Goa Tours for the Tourism Season commencing in September, 2004.

Notice having been given to Mrs. Winnie Coutinho, learned Additional Public Prosecutor, the learned Additional Public Prosecutor has appeared before the Court and has expressed her apprehension that this may be an attempt on the part of the Accused to jump bail and avoid the trial which is in progress against him.

Mrs. Coutinho, learned Additional Public Prosecutor further submitted that before permission could be granted to the said Accused

to leave the country for the said period, the trial could be expedited.

However, the said apprehension has not been supported by any material whatsoever and on the contrary, it has been submitted by Mr. Zeller De Souza, learned Counsel on behalf of the Accused that since the date the trial had started the Accused has been regularly attending the Court.

In my opinion and considering the facts, the Accused certainly deserves to succeed in the application under consideration.

Therefore, he is hereby permitted to leave the jurisdiction of this Court for a period of two months from today. The apprehension of the prosecution, if any, should be taken care of by directing the said Accused to provide an additional surety in the sum of Rs.20,000/- which the Accused is hereby directed to provide to the satisfaction of the learned

Additional Sessions Judge, Margao, before whom the trial is pending.

This Order may not be taken by the Accused as an exemption which otherwise the Accused is bound to take from the Court where the trial is pending.

Order accordingly.

N. A. BRITTO, J.

RD.